

Notice of Allowability

Application No.

09/597,461

Examiner

Michael Cuff

Applicant(s)

KOMEM ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/5/04.
2. ☒ The allowed claim(s) is/are 1-9, 11, 15-23, 25, 27, 29 and 32-35.
3. ☒ The drawings filed on 19 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with D'vorah Graeser on 12/5/04.

The application has been amended as follows:

Claim 1, line 4, has been changed to read, – communicating with the vendor through an electronic network, the method comprising: --.

Claim 1, line 5, has been changed to read, – determining an exchange rate, obtained through the electronic network, of the local currency of the vendor to the local --.

Claim 3, has been changed to read, – The method of claim 1, wherein the electronic network is the Internet. –

Claim 23, lines 4 and 5, has been changed to read, --local currency of the vendor, the buyer communicating with the vendor through an electronic network, the method comprising: --.

Claim 23, line 6, has been changed to read, – determining an exchange rate, obtained through the electronic network, of the --.

Claim 29, line 4, has been changed to read, – communicating with the vendor through an electronic network, the method comprising: --.

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Claim 23, line 5, has been changed to read, – determining an exchange rate, obtained through the electronic network, of the --.

Claims 30 and 31 have been canceled.

Claim 32, line 4, has been changed to read, – buyer communicating with the vendor through an electronic network, the method comprising: --.

Claim 32, line 5, has been changed to read, – determining an exchange rate, obtained through the electronic network, of the --.

Allowable Subject Matter

Claims 1-9,11,15-23,25,27,29 and 32-35 are allowed.

The following is an examiner's statement of reasons for allowance:

The invention claims the steps of a buyer hedging to guarantee a price in a local currency and completing the e-commerce transaction at the guaranteed price. There are two areas of prior art, which are close to this concept. One shown by Sullivan et al. where buyers protect themselves from exchange rate flux by exchanging the currency at the time of purchase. The claimed invention limits itself to the buyer and that the guarantee is over a period of time. Both limitations distinguish the invention over the prior art. The other area, which is close to this concept, is the use of forward contracts. Forward contracts allow banks to provide clients with the facility of hedging of foreign exchange risks. However, typically the minimum amount eligible for a forward contract is around \$100,000 US. The process recited using forward contracts integrally

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incorporated into an e-commerce environment is not anticipated or taught by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weiss, Turton, Heinzle et al. and Boyle show systems of interest. See the reasons for allowance for how they relate to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Cuff 12/13/04

Michael Cuff
December 13, 2004